

## REMARKS

Applicants have thoroughly considered the Examiner's remarks in the October 6, 2006 Office action and present claims 1-17 and 21-29 for further examination. Applicants have amended claim 21, canceled claims 18-20, and 30, and withdrawn claims 30-36 by this Amendment A. Applicants provisionally elect with traverse claims 14-17 and 21-29 (Group II) for examination. However, reconsideration is respectfully requested of the restriction requirement and, in particular, of the reason stated in the Office action for the restriction between claims 1-14 (Group I) and claims 14-17 and 21-29 (Group II) in view of the following.

The Office asserts that claims 1-14 (Group I) and claims 14-17 and 21-29 (Group II) are directed to distinct inventions. As an initial matter, applicants point out that the Office has identified claim 14 and belonging to the inventions of both Group I and Group II. Applicants assume the Office intended to define Group I as including claims 1-13. Nonetheless, Applicants respectfully disagree with the restriction requirement between Group I and Group II. Although claims 14-17 are indeed directed to "computer executable instructions for storing a group of video shots," claims 1-14 and claims 21-29 are directed, in part, to "*segmenting a plurality* of video shots within a video file." For example, claim 1 recites:

A computer-readable medium having computer executable instructions for segmenting a plurality of video shots within one or more video files, comprising:  
determining instructions for **determining a time corresponding to each video shot**;  
organizing instructions for **organizing the video shots in a sequence according to the determined time corresponding to each video shot**;  
determining instructions for **determining a time gap between two successive shots in the organized sequence**; and  
segmenting instructions for **grouping the video shots of the video file into a first plurality of clusters as a function of the determined time gaps**.

Claim 21 recites:

A method for segmenting a plurality of video shots within a video file for storage on a computer-readable medium:  
**determining a time corresponding to each video shot**;  
**organizing the video shots in a sequence according to the determined time corresponding to each video shot**;  
**determining time gaps between two successive shots in the organized sequence**;

**first grouping the video shots into a first plurality of clusters as a function of the determined time gaps;**

assigning a first quality to the a first plurality of clusters as a function of a time span of each cluster in the first plurality of clusters;

second grouping the video shots into a second plurality of clusters as a function of the determined time gaps;

assigning a second quality to the second plurality of clusters as a function of a time span of each cluster in the second plurality of clusters;

comparing the first and second quality and selecting the first or second grouping as a function of the comparison; and

storing the selected grouping as a file on the computer-readable medium.

As can be seen, each of claims 1 and 21 recite, in part, "determining a time corresponding to each video shot," "organizing the video shots in a sequence according to the determined time corresponding to each video shot, "determining a time gap between two successive shots in the organized sequence," and "grouping the video shots of the video file into a first plurality of clusters as a function of the determined time gaps." As such applicants submit that claims 1-14 and 21-29 are not distinct because they overlap in scope.

Applicants also ask the Examiner to consider the relative burdens on himself and the Applicants. In order for a reliable search to be conducted for either group of claims, the same subclasses will have to be searched. Accordingly, maintaining the Group I and II claims in the application should not add more than a minimal burden. Further, Applicants point out that removing the restriction between Groups I and II would reduce an additional burden by including only 26 total claims. In this regard, the Examiner is asked to consider M.P.E.P. § 803:

*"If the search and examination can be made without serious burden, the examiner must examine it on the merits, even if it includes claims to distinct or independent inventions."*

(emphasis added)

Applicants respectfully submit since applicants have provisionally elected the Group II claims for examination that the burden of examining the additional claims of Group I having an overlapping search field cannot fairly be said to be "serious."

For these reasons, applicant believes the restriction requirement between Group I and II is improper and should be withdrawn. Nevertheless, applicant provisionally elects Group II for examination. Applicants respectfully request examination and allowance of the elected claims.

Moreover, as acknowledged by the Office, inventions I and IV are related as subcombinations. (See Office action at Page 2). Although applicants have withdrawn claims 31-36 by this Amendment A, applicants again ask the Examiner to consider the relative burdens on himself and the applicants. In order for a reliable search to be conducted for either group of claims, the overlapping subclasses of Group I (claims 1-14), II (claims 14-17, and 21-29), and IV (claims 31-36) will have to be searched. Accordingly, maintaining the Group I, II, and IV claims in the application should not add more than a minimal burden.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for examination and allowance. Such examination and allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

**The Applicants wish to expedite prosecution of this application. If the Examiner deems the application as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.**

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Frank R. Agovino/

Frank R. Agovino, Reg. No. 27,416  
SENNIGER POWERS  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400